

February 28, 2002

Case No. A-821-816

PUBLIC DOCUMENT

BY HAND DELIVERY

Faryar Shirzad
Assistant Secretary for Import Administration
International Trade Administration
U.S. Department of Commerce
Pennsylvania Avenue and 14th Street, N.W.
Washington, D.C. 20230

Attn: Albert Hsu, Room 3716

Re: Inquiry Into the Status of the Russian Federation as a Non-Market Economy Under the Antidumping and Countervailing Duty Laws

Dear Assistant Secretary Shirzad:

Pursuant to the Department's notice of initiation and request for comments in the above matter dated October 26, 2001 (*Inquiry Into the Status of the Russian Federation as a Non-Market Economy Under the Antidumping and Countervailing Duty Laws*, 66 Fed. Reg. 54,197 (Oct. 26, 2001) (Notice of Initiation)), we submit the attached additional comments on whether the Russian Federation's status as a non-market economy under the antidumping and countervailing laws should be modified. These comments are submitted on behalf of Bethlehem Steel Corporation; National Steel Corporation; and United States Steel Corporation ("Domestic Producers") in response to new information, untimely submitted by Russian steel producers.¹

First, the Department should exclude all new information untimely submitted by Russian steel producers -- approximately 113 pages of the 144 page rebuttal. As admitted by counsel for Russian steel producers, this broad-reaching submission goes beyond a direct rebuttal to provide a "comprehensive, and highly detailed, discussion of the present state of Russia's economy."² This submission is even organized so that direct rebuttals are solely contained in part A of each section, while parts B & C are, as characterized by Russian steel producers, a "detailed exposition."³ Clearly, the time for such expositions was in the initial submissions due to the Department by December 10, 2001. Given that the new evidence submitted on February 7, 2002 was, with very few exceptions, in existence before December 10, 2001, Russian steel producers

¹ As requested by the Department, an electronic copy of these comments is included with the original on an enclosed diskette.

² Letter from Powell, Goldstein, Frazer & Murphy LLP to the U.S. Department of Commerce, Case No. A-821-816 at 3 (Feb.7, 2002).

³ *Id.*

should have presented it to the Department then. Therefore, there is no reason to accept such information which would seriously prejudice not only Domestic Producers, but all interested parties.

However, if the untimely information remains on the record, Domestic Producers urge the Department to view this information with great skepticism. By submitting this voluminous discussion so late in the proceeding, Russian steel producers have denied interested parties a careful review and opportunity for rebuttal. Even while preparing these additional comments under severe time constraints, Domestic Producers readily found numerous incidents of misquoting, mischaracterization, and claims completely unsupported by any evidence. While numerous charts were included as "evidence" supporting Russian producers' new contentions, the vast majority of these charts are either irrelevant to the discussion or completely misconstrue the data. Additionally, Russian steel producers fail to provide exhibits for more than one-third of the citations in the submission. These instances are not isolated, but instead demonstrate a general pattern of unreliability of the Russian steel producers' submission.

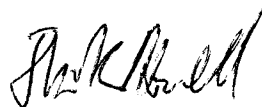
If the untimely information remains part of the record, Domestic Producers provide the attached submission as additional comments for the record in this proceeding. While this submission further illustrates, and corrects, many of Russian steel producers' inaccuracies, it is by no means exhaustive due to the time constraints of the non-market economy investigation. Accordingly, Domestic Producers provide rebuttal information to only selected new information submitted by Russian steel producers, which was particularly egregious.

Finally, due to the unconventional nature of this non-market economy review, and in light of the evidentiary problems with the submissions on the record, Domestic Producers request that the Department conduct a hearing on this matter, according to the Notice of Initiation of this review. To ensure the integrity of the Department's ultimate determination in this matter, verification of parties' contentions will be essential so as to avoid basing such an important decision on inaccurate information and reaching a result contrary to the Congressional intent of this statute.

Respectfully submitted,



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Enclosure